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June 7, 2007

Direct Dial

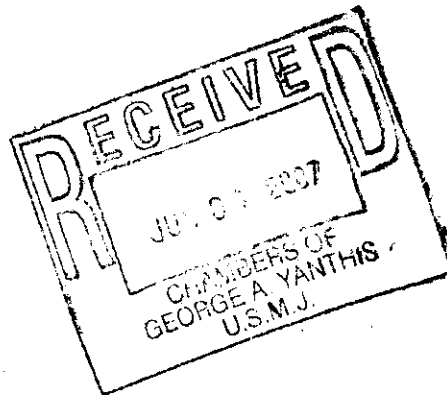
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VIA FACSIMILE

Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 118
White Plains, New York 10601-4150



Client No.
T 94625-00001

Re: *In re Vceco Instruments Inc. Sec. Litig., 05 MD 1695 (CM) (GAY)*

Dear Magistrate Judge Yanthis:

I am counsel to Defendants in the above-referenced action. I write in reference to Your Honor's May 25, 2007 Order extending the deadline for taking expert depositions until June 15, 2007. For the reasons discussed below, we respectfully request Your Honor to direct Lead Plaintiff to submit the "supplemental" report of its accounting expert, Robert Berliner, on or before June 11 in light of Lead Plaintiff having recently informed us that June 14 is the only day on which Mr. Berliner is available for deposition.

As Your Honor might recall, Lead Plaintiff informed the Court that it did not believe that Mr. Berliner's "supplemental" expert report could be completed before June 8, 2007. On May 25, based on that representation, this Court extended the time for taking expert depositions until June 15. Judge McMahon's prior discovery orders in this case and the plain language of the Federal Rules of Civil Procedure dictate that depositions of expert witnesses are to be conducted after the expert's report is provided. See Fed. R. Civ. P. 26(b)(4)(A) ("If a report from the expert is required under subdivision (a)(2)(B), the deposition shall not be conducted until after the report is provided."). Judge McMahon's subsequent May 29 Order that the deadline for submitting a motion *in limine* relating to Mr. Berliner be extended to June 22 was a clear endorsement of Your Honor's May 25 Order and underscored that proper procedure requires depositions to follow the submission of reports.

Supplemental report of Lead Plaintiff's accounting expert
to be provided by 2:00 p.m. on June 12, 2007.
so ordered. George A. Yanthis, U.S.M.J., 6/11/07